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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91176918
Party	Defendant Beyond Wireless, Inc.
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Submission	Motion to Amend/Amended Answer or Counterclaim
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Date	03/14/2008
Attachments	Motion to Amend 78-918808v2.pdf ( 3 pages )(96262 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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BEA Systems, Inc.	)	
	)	
Opposer,	)	Opposition No. 91176918
	)	
v.	)	Trademark Serial No. 78/918,808
	)	
Smart Call, LLC	)	
	)	
Applicant.	)	

**MOTION ON CONSENT TO AMEND APPLICATION**

Applicant, Smart Call, LLC, filed Trademark Application Serial Number 78/918,808 for JOLT GLOBAL on June 28, 2006. Opposer, BEA Systems, Inc., filed Opposition Proceeding Number 91176918 on April 25, 2007.

Pursuant to a settlement agreement entered into by Applicant and Opposer on December 31, 2007, Applicant filed a proposed amendment to its Application Serial Number 78/918,808, with Opposer's consent, to change the recitation of services in International Class 38 **from** "Telecommunications services; namely the transmission of voice, data, images, audio, video, and information via telephone or the internet; *satellite communication services via global computer network*; personal communications services; paging services; wireless telephone roaming communication services; leasing telecommunications equipment, components, systems and supplies; electronic mail services; voice messaging services; providing multiple-user access to global computer networks to transmit, receive and otherwise access and use information of general interest to consumers" in International Class 38 **to** "Mobile telephone services; namely the transmission of voice, data, images, audio, video, and information via mobile telephone; *satellite communication services via mobile telephone*; paging services via mobile

telephone; wireless telephone roaming communication services; leasing mobile telephone equipment, components, systems and supplies; mobile telephone voice messaging services” in International Class 38. [Emphasis added to relevant part of the original recitation and the impermissible part of the proposed amendment]

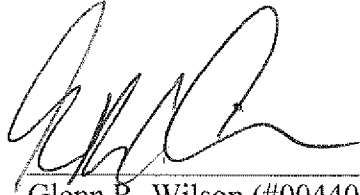
On March 5, 2008, the Board determined that the amendment impermissibly broadens the recitation of services and therefore denied it. In response to the Board’s determination, the Applicant and Opposer have agreed to a new amendment for the recitation of services which neither believes will broaden the recitation.

Therefore, with Opposer’s consent, Applicant respectfully requests that the description of services in Application Serial Number 78/918,808 be changed **from** “Telecommunications services; namely the transmission of voice, data, images, audio, video, and information via telephone or the internet; *satellite communication services via global computer network*; personal communications services; paging services; wireless telephone roaming communication services; leasing telecommunications equipment, components, systems and supplies; electronic mail services; voice messaging services; providing multiple-user access to global computer networks to transmit, receive and otherwise access and use information of general interest to consumers” in International Class 38 **to** “Mobile telephone services; namely the transmission of voice, data, images, audio, video, and information via mobile telephone; *satellite communication services via global computer network accessed via mobile telephone*; paging services via mobile telephone; wireless telephone roaming communication services; leasing mobile telephone equipment, components, systems and supplies; mobile telephone voice messaging services” in International Class 38. [Emphasis added to relevant part of the original recitation and the

new modification of the proposed amendment]

Dated: March 14, 2008

Respectfully submitted,



Glenn R. Wilson (#0044054)

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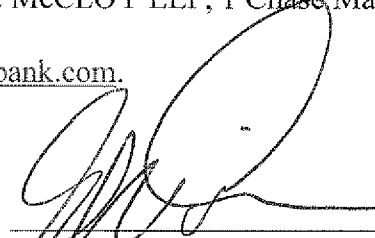
216-696-1422

216-696-1210 (facsimile)

Attorney for Applicant,  
Smart Call, LLC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Motion on Consent to Amend Application was delivered via email (by consent) on March 14, 2008 to: Jason M. Gonder, MILBANK, TWEED, HADLEY & McCLOY LLP, 1 Chase Manhattan Plaza, New York, New York 10005, [jgonder@milbank.com](mailto:jgonder@milbank.com).



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